

In re: Jose Villena et al.  
Filed: December 7, 1999  
Serial No.: 09/456,166  
Page 6

REMARKS

Applicants appreciate the Examiner's review of the above-identified application and respectfully request reconsideration and allowance in view of the above amendments and following remarks. Claims 1-15 have been cancelled without prejudice and claims 16-27 have been added.

Claims 1-15 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In particular, the Examiner states that the Applicants have detailed the CCPRO as being an essential component of the invention, and that it is not described in the specification how the CCPRO works.

With this amendment, Applicants have cancelled claims 1-15 without prejudice and have added claims 16-27. Accordingly, the rejection of claims 1-15 under 35 U.S.C. § 112, first paragraph, is now moot. Nevertheless, Applicants respectfully traverse this conclusion.

Applicants direct the Examiner to pages 3-4 of the present

In re: Jose Villena et al.  
Filed: December 7, 1999  
Serial No.: 09/456,166  
Page 7

application. Pages 3-4 of the present application state, in  
1) relevant part, that "The switching and resource platform 210 may  
be implemented as the CCPRO product, available from the assignee  
of the present invention." (Emphasis added.) Applicants submit  
that the present application does not state or imply, whatsoever,  
that the CCPRO is an "essential" component. Rather, as the above  
statement clearly indicates, the CCPRO is but one type of  
switching and resource platform 210 that may be implemented with  
the present invention. Applicants further submit that the CCPRO  
is believed to be the *best mode* of the present invention, not the  
only mode.

Moreover, Applicants submit that the present application  
details in several places where additional information about the  
2) CCPRO switches may be found. Accordingly, one skilled in the  
relevant art would be readily able to obtain additional  
information about the CCPRO switch if necessary.

Notwithstanding Applicants' position that the CCPRO itself  
is not an essential component, Applicants respectfully submit that  
the Examiner's statements in the present Office Action suggest  
that the CCPRO switch is known to one skilled in the art. In  
rejecting claims 1-15 under 35 U.S.C. § 102(a) as being known or

In re: Jose Villena et al.  
Filed: December 7, 1999  
Serial No.: 09/456,166  
Page 8

used by other in this country before the date of invention, as evidenced by "Outbound Call Processing Markets, Products and Suppliers - 1999" and "Contact Center Professional 4", the Examiner states, "it is noted that the article in "Call Center", it is stated that CCPRO has been in public use since December 1998". Therefore, even if the Examiner's conclusion that the CCPRO is an essential component (which is respectfully traversed) is true, Applicants submit that one skilled in the relevant art would know what a CCPRO is and how it works.

For at least the above reasons, Applicants respectfully submit that the rejection of claims 1-15, while now moot, is improper.

Claims 1 and 14 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,389,132 to Price. Claims 1-15 have been rejected under 35 U.S.C. § 102(a) as being known or used by other in this country before the date of invention, as evidenced by "Outbound Call Processing Markets, Products and Suppliers - 1999", and "Contact Center Professional 4". Claims 2-3, 6-7, 9, and 12-15 have been rejected under 35 U.S.C. § 103(a) as being obvious over US Patent No. 6,389,132 to Price. Claims 4-5 and 8 have been rejected under 35 U.S.C. §

In re: Jose Villena et al.  
Filed: December 7, 1999  
Serial No.: 09/456,166  
Page 9

103(a) as being obvious over Price in view of US Patent No. 6,005,920 to Fuller et al. Claims 10-11 have been rejected under 35 U.S.C. § 103(a) as being obvious over Price in view of US Patent No. 6,473,505 to Kuhc. Applicants respectfully traverse these rejections.

As discussed above, with this amendment Applicants have cancelled claims 1-15 without prejudice. Accordingly, the rejections of claims 1-15 are now moot.

With respect to the rejection of claims 1-15 under 35 U.S.C. § 102(a) as being known or used by other in this country before the date of invention, as evidenced by "Outbound Call Processing Markets, Products and Suppliers - 1999" and "Contact Center Professional 4", Applicants respectfully traverse the Examiner's conclusions and assertions.

Applicants respectfully submit that the articles cited by the Examiner do not describe the claimed invention. In particular, Applicants respectfully submit that the word "invention" found in "Outbound Call Processing Markets, Products and Suppliers - 1999" is not an admission that the article describes the claimed<sup>2)</sup> invention. At best, this article suggests the object of the presently claimed invention, i.e., the desirability of supporting

In re: Jose Villena et al.  
Filed: December 7, 1999  
Serial No.: 09/456,166  
Page 10

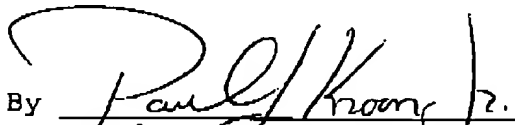
3) linear growth. This article does not describe how this is accomplished. Additionally, Applicants respectfully submit that the article "Contact Center Professional 4" does not disclose, or even suggest, Applicants' claimed invention. At best, this article discusses the CCPRO generally.

The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

Jose Villena et al.

By

  
Paul J. Kroon, Jr., Esq.  
Registration No. 51,902  
Attorney for Applicants

BOURQUE & ASSOCIATES, P.A.  
835 Hanover Street, Suite 301  
Manchester, New Hampshire 03104

Telephone: (603) 623-5111  
Facsimile: (603) 624-1432

Date: May 20, 2004